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09/923,668	08/06/2001	Diane A. Richardson	RICH-011	1548

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EXAMINER

PATEL, JAGDISH

ART UNIT PAPER NUMBER

3624

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,668

Applicant(s)

RICHARDSON, DIANE A.

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to amendment filed 8/31/05.

Response to Amendment

2. Claims 1, 2 and 9-11 have been amended.

Response to Arguments

3. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1: the claim recites "entering said account holder private" information and comparing said account holder private information along with said other gather information with said client defined access parameters". This recitation renders the claim indefinite because one cannot perform this comparison unless the stored information is

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retrieved which would require a computing device connected to the device where the access parameters are stored. It is not clear how such a method may be carried out without technological implementation.

Claim 1: the preamble recites that the method is usable for "client/server" or "brick and mortar based" transactions. There is nothing in the claim recitation to suggest that the method is applicable to the client/server arrangement.

Claim 1: recites "initiating a transaction of funds or information" and "determining to authorize or deny said transaction". These steps are performed independent of the "requesting", "entering", "gathering" and "comparing" steps. This renders the claim indefinite because the scope indefinite and unclear.

Claim 1: the claim refers to "a client" and "account holder" as different entities. This renders the comparison step vague and unclear because the comparison is performed between the account holder private information and the client defined access parameters without specifying relationship of the client and the account holder.

Dependent claims also contain the deficiencies outlined above.

6. Claim 5 recites the limitation "the computing device". There is insufficient antecedent basis for this limitation in the claim.

7. Claim 7 recites the limitation "said establishing a connection". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al. (US Pat. 5,787,402) ("Potter").

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Potter et al. (US Pat. 5,787,402) ("Potter").

Per claim 1, Potter discloses a method of client account access protection for client server based transactions comprising:

Storing client defined access parameters, wherein said client defined access parameters define parameters that must be satisfied before a transaction of funds or information is authorized;

(see Fig. 3 "username" and "password" at step 210, storing of these access parameters is inherent since these parameters are compared at step 216 to the stores access parameters for validation, Figure 4 step 222, col. 6 L. 29-33, other access parameters are user trade limits, authorized trade times and additional password before trade release) initiating a transaction of funds or information;

(see Fig. 3 steps 202, 204 and 205)

requesting account holder private information;

(refer to Fig. 3, step 210 "prompt" username/passwords)

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entering said account holder private information;

(Fig. 3 step 212 entering “username/password”)

gathering other gathered information;

(Fig. 4 steps 222, trade limits, trade times, and additional entry of username/password);

comparing said account holder private information along with said other gathered

information with said client defined access parameters;

(see validation at Fig. 3 step 216 which compares the username/password and see Fig.4

step 222 and col. 6 L 19-39, other information is user profile inherently gathered from the

user and compared with the stored parameters i.e. username/password and user profiler

before trade release)

determining to authorize or deny said transaction;

(see “trade release” Fig. 4 L 222 and 224 col. 6 L which implies authorization or denial

for a trade transaction)

Potter fails to teach that, the client defined access parameters are input by the client.

Official Notice is taken that inputting or selecting access parameters by a client or user is old and well known.

It would have been obvious to one of ordinary skill in the art at the time of applicant’s invention to have the access parameters selected by the client because it would give better control to client in specifying the access parameters as per his/her preferences and personal details appropriate for the transaction.

Claim 2. where said client defined access parameters is any one or combination comprised of:

a password (see claim 1 analysis).

Claim 3: Potter fails to teach that, the client defined access parameters is comprised of

geographic location parameters selected for association with a client account and merchants by

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the client and where said geographic location parameters comprise Post Office zip codes, telephone area codes and telephone country codes.

Tetro, in the same field of endeavor teaches a method of client account access protection recites the aforementioned access parameters.

(Refer to Figure 2, col. 4 L 56-61, .. the user is prompted to enter the user's home street address in step 102, home zip code in step 104, home telephone number in step 106, and social security number in step 108; col. 5 L 47+ "predetermined expenditure limit"

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement the aforementioned client access parameters because it would greatly enhance security of access to the accounts by a multi-tier security measures.

Claim 4: said network comprises the Internet or Intranet (see Fig. 1);

Claim 5: where said storing client defined access parameters comprise storing the access parameters on a secure network server accessed by the client computing device.

(see Figure 1).

Claim 6. where the client computing device comprises a personal computer, a workstation, an Automatic Teller Machine and a personal digital assistant (see Figure, 1 PC 10).

Claim 8. Potter fails to teach, however, Tetro in the same field of endeavor teaches, where said entering requested account holder private information comprises name, address, password, account number or credit card number.

(Tetro refer to col. 4 L 56-61 and Figure 3, it is noted that adding more parameters concerning private information is within the scope of scope and spirit of the cited reference, see claim 3 for further analysis)

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Claim 9. Potter fails to teach and Official notice is taken that collecting data comprising location and time of transaction (store or merchant with location where the purchase is made and date/time of a purchase transaction) is old and well known in the field of electronic commerce. For example, this information is used by authorities to trace fraudulent or unauthorized use of a stolen credit card.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include location and time data pertaining to the transaction because this would allow tracing of fraudulent or unauthorized purchase transaction and would added level of security measure.

Claim 10. A method according to claim 1 where said determining to authorize or deny the transaction comprises: authorizing the transaction if requested private client information and other gathered data matches the said client defined access parameters; and denying the transaction if the requested private client information and other gathered data does not match the said client defined access parameters.

(see discussion of claim 1)

Claim 11. changing client defined access parameters

(refer to discussion of step 222 at col. 6 L 19+)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jagdish N. Patel

(Primary Examiner, AU 3624)

10/25/05